



U.S. Department of Justice

United States Attorney
Southern District of New YorkThe Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007**MEMO ENDORSED**

February 22, 2008

~~REQUEST TO BE FILED UNDER SEAL~~**By Facsimile (with permission from Alisha)**The Honorable Kenneth M. Karas
United States District Court
Southern District of New York
300 Quarropas Street, Chambers 533
White Plains, NY 10601**USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _____**Re: United States v. Mark Desouza,
S1 04 Cr. 1272 (KMK)

Dear Judge Karas:

The Government respectfully submits this letter to apprise the Court of the status of the above-referenced matter and to request that the Court adjourn the sentencing date, now scheduled for February 29, 2008, at 10:15 a.m. The Government proposes that Your Honor set a sentencing date in August 2008.

As the Court is aware, the defendant pled guilty pursuant to a cooperation agreement on February 4, 2005. On January 31, 2008 and on February 4, 2008, the defendant testified at trial in United States v. Winston Clarke, 05 Cr. 17 (DAB), before the Honorable Deborah A. Battis. After nearly a week of jury deliberation, however, the jury declared itself deadlocked, and a mistrial was declared by the Court on February 14, 2008.

Judge Battis has set a conference date of March 19, 2008, when the parties will advise the Court of their intentions. At this time, however, the Government fully intends to proceed with a retrial of Winston Clarke in which the testimony of the Mark Desouza, the defendant, will be required. In the event a disposition can be reached between the Government and Winston Clarke and a retrial becomes unnecessary, the Government will immediately advise the Court and defense counsel of the same.

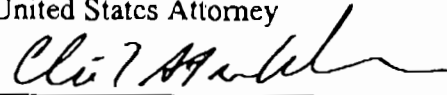
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I have discussed this request with Matthew Kluger, counsel to Mark Desouza, who has no objection to this request for an adjournment.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

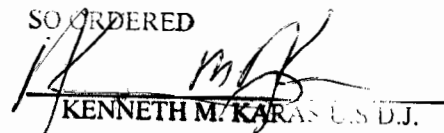
By:


Chi T. Steve Kwok
Assistant United States Attorney
(212) 637-2415 (phone)

cc: Matthew J. Kluger, Esq. (via facsimile)

*Sentence is adjourned until October 10, 2008,
at 10:00*

SO ORDERED


KENNETH M. KARAS U.S. D.J.